

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**KANA FARRELL, ORIANA LEE FARRELL  
as an individual and O.B.O. her minor children:  
HEZEKIAH FARRELL II, KUSH FARRELL,  
MAGNIFICENT FARRELL, and  
GIBRALTER FARRELL,**

**Plaintiffs,**

**v.**

**No. 1:15-CV-1113 SMV/LAM**

**OFFICER TONY DETAVIS, ANTHONY LUNA,  
and FORMER OFFICER (now DEPUTY) ELIAS  
MONTROYA, in their individual capacities,  
and NEW MEXICO STATE POLICE DEPARTMENT,  
and John Does 1, 2 and 3,**

**Defendants.**

**STIPULATED ORDER STAYING PROCEEDINGS, PENDING THE OUTCOME OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

The parties stipulate that this proceeding should be stayed pending the outcome of Defendants DeTavis, Luna and DPS's Motion For Summary Judgment based on qualified immunity [Doc. 10] (the "Motion"). As grounds therefore, the Parties state:

1. Defendants DeTavis, Luna and DPS filed a Motion for Summary Judgment [Doc 29].
2. The Motion raises defenses of qualified immunity, which, if granted, are not only defenses to liability but are also immunity from suit and all related proceedings. Siegert v. Gilley, 114 L. Ed. 2d 277, 111 S. Ct. 1789, 1793 (1991). The qualified immunity defense protects governmental officials performing discretionary functions from liability as well as the burdens of trial and discovery. Jiron v. City of Lakewood, 392 F.3d 410, 414 (10th Cir. 2004); Workman v. Jordan, 958 F.2d 332, 336 (10th Cir. 1992) ("we reiterate that qualified

immunity is not only a defense to liability but also entitlement to immunity from suit and other demands of litigation”) (citing Siebert v. Gilley, 500 U.S. 226 (1991)). For this reason, Defendants filed a Motion for Stay of Proceedings [Doc 11]. Plaintiffs do not oppose the Motion for Stay of Proceedings.



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**STEPHAN M. VIDMAR**  
**UNITED STATES MAGISTRATE JUDGE**

SUBMITTED BY:

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A Professional Corporation

By /s/ Patricia G. Williams  
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AGREED AND STIPULATED:

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